

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20770
Honorable Denise Page Hood

MANUEL RODGERS,

Defendant.

ORDER DENYING DEFENDANT’S POST-CONVICTION MOTION FOR BOND

Following a jury trial, Defendant was convicted of one count of possession with intent to distribute more than five kilograms of cocaine in violation of 21 U.S.C. § 841(a)(1). Now before the Court is Defendant’s request for bond pending sentencing. For the reasons stated below and reasons stated in the Court’s previous orders denying bond, Defendant’s Post-Conviction Motion for Bond is **DENIED**.

The terms of release pending sentencing is governed by 18 U.S.C. § 3143. There is a presumption of detention pending a guilty conviction. The Court is required to detain a defendant who is found guilty of an offense under the Controlled Substances Act that is punishable by a term of imprisonment of a maximum of ten or more years unless the Court finds “there is a substantial likelihood that a motion of acquittal or new trial will be granted,” or the government recommends no sentence of imprisonment, and the Court “finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.” 18 U.S.C. § 3143(a)(2), 3142(f)(1)(C). Defendant was convicted on April 21 U.S.C. § 841(a)(1), which carries a term of imprisonment of ten years to life. 18 U.S.C. §

841(b)(1)(A)(ii).

Defendant has not demonstrated that he is eligible for release pending sentencing. The government has not recommended a term of no imprisonment. Furthermore, the Court already determined in its April 22, 2011 order that there were no conditions or combination of conditions that would reasonably assure the community's safety. Defendant has since been convicted. Nothing has changed to assure the Court that Defendant would no longer pose a danger to the community.

Accordingly,

IT IS ORDERED that the Defendant's Post-Conviction Motion for Bond [**Docket No. 38, filed May 3, 2012**] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 6, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 6, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager